IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 8306 of 2004

Between:

Ratan Lal Agarwal, S/o Ramnivas Agarwal ,
R/o 9-4-86/205, Salar Jung Colony, Langar House, Hyderabad.

..... PETITIONER

AND

1 The Commissioner of Police, Basheerbagh, Hyderabad.
2 The Deputy Commissioner of Police, South Zione, Purani Haweli, Hyderabad.
3 The Station House Officer, Langar House Police Station, Langar House, Hyderabad.
4 Aleemuddin Yasar, S/o Abdul Khader,
R/o 9-4-86/210, Salarjung Colony, Langarhouse, Hyderabad.
5 Abdul Khader,
R/o 9-4-86/210, Salarjung Colony, Langar House, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Habeas Corpus directing the official respondents No.1 to 3 to produce the petitioners daughter Miss. Anjana Agarwal presently in the wrongful custody of the respondents No.4 and 5 residing in any part of the Hyderabad city and produce her in this Hon'ble Court and set her at liberty

Counsel for the Petitioner: MR.SRI KRISHNA SHARMA

Counsel for the Respondent Nos.1 to 3: THE ADVOCATE GENERAL

Counsel for the Respondent No.4: None appeared.
Counsel for the Respondent No.5: Mr. Rajender Reddy

The Court made the following Oral Order: (per Sri Devinder Gupta,CJ)

As per the counter affidavit, while investigation in Crime No. 108 of 2004 was in progress, it was learnt that O.S. No.62/2004 had been filed by the petitioner's daughter not only against the petitioner, but also against his brother as well as his son besides the police of Langer House Police Station, in which interim injunction had been obtained restraining the defendants in the suit from interfering with her peaceful married life.

In view of the pendency of the Civil Suit in O.S. No.67/2004 stated to have been filed in the Family Court, Hyderabad, it will not be proper for us to pass any order in this petition. However, it is open for the petitioner, who is also defendant in the said suit to seek appropriate directions from the Family Court while opposing the suit on all available grounds including making prayer to the said Court calling upon production of his daughter in the Court and for medical examination in the event of the petitioner satisfying the said Court that his daughter being the plaintiff in the suit is of unsound mind.

With leave and liberty granted to the petitioner to seek appropriate remedy in the Family Court, Hyderabad the petition is disposed of.

DEVINDER GUPTA,CJ

DATE: 23rd JULY, 2004

C.V. RAMULU,J

pnb

To

1 The Commissioner of Police, Basheerbagh, Hyderabad.
2 The Deputy Commissioner of Police, South Zone, Purani Haweli, Hyderabad.
3 The Station House Officer, Langar House Police Station, Langar House, Hyderabad.
4. The Judge, Family Court, Hyderabad.

5. Two C.Cs. to the Advocate General)OUT), High Court of A.P. Hyderabd.